



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

NR0076E1

-
21st Session
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O. Eng.

Brussels, December 1999.

POSSIBLE AMENDMENTS TO THE EXPLANATORY NOTES
CONCERNING CANOLA SEEDS, CANOLA OILS AND CANOLA MEAL

(Item II.A.3 on Agenda)

Reference documents :

40.106 (RSC/14)	41.920, Annex A/17 (RSC/17 - Report)
40.470 Annex C/11 (RSC/14 - Report)	42.237 (RSC/18)
40.413, Paragraph 56 (HSC/18)	42.465 (RSC/18)
40.600, Annex E/1, paragraph 41, (HSC/18 - Report)	42.500, Annex A/9 (RSC/18 – Report)
40.778 (RSC/15)	NR0008E1 (RSC/19)
40.920, Annex A/7 (RSC/15 - Report)	NR0032E1 (RSC/19)
40.881, Paragraph 12 (HSC/19)	NR0044E1 (RSC/19)
41.100, Annex E/1, paragraph 13 (HSC/19 - Report)	NR0045E2, Annex A/7 (RSC/19 – Report)
41.669 (SSC/13)	NR0049B1 (RSC/20)
41.690, Annex A/9 (SSC/13 - Report)	NR0072E2, Annex C, paragraphs 7, 11 and 15
41.783 (RSC/17)	(RSC/20 – Report)

I. BACKGROUND

1. When the Review Sub-Committee, at its 19th Session, agreed to the amendments to the Nomenclature concerning “low erucic acid rape or colza”, it was also agreed that the possible insertion of a reference to “canola” and other types of low erucic acid rape or colza in the relevant Explanatory Notes could be examined at a later stage (Doc. NR0045E2, Annex A/7 (RSC/19 – Report)).
2. At its 20th Session (September 1999), the Review Sub-Committee examined draft amendments to the Explanatory Notes arising out of the amendments to the legal texts included in the Article 16 Recommendation of 25 June 1999.
3. When the Sub-Committee examined the proposed Explanatory Notes to headings 12.05, 15.14 and 23.06, the Delegate of Canada proposed alternative texts to include references to the species *Brassica juncea* and to “Canola”. While several delegates indicated that they could agree to inserting a reference to “Canola” as well as other examples of that type of seed or oil (e.g., European rape or rape oil of the type “00”) in the Explanatory Notes, at this point it was decided to place the texts in square brackets and to study these

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matters further on the basis of a new document to be prepared (based on written proposals from the Canadian Administration) before the next session of the Sub-Committee.

II. COMMENTS FROM THE CANADIAN ADMINISTRATION

4. On 1 December 1999, the Secretariat received the following comments from the Canadian Customs Administration :

"Background

5. The Canadian Customs Administration is proposing amendments to the Explanatory Notes consequential upon Article 16 amendments to the HS Nomenclature which are scheduled for implementation on 1 January 2002.
6. On 25 June 1999, the Customs Co-operation Council recommended, among others, amendments to HS headings 12.05, 15.14 and 23.06 to acknowledge within the HS Nomenclature low erucic acid products such as seeds, oil and meal on the basis of considerable international trade. These goods are also known internationally as "canola" products.
7. While the Nomenclature makes no reference to the word "canola", it is suggested that the HS Explanatory Notes do so as they constitute the official interpretation of the Nomenclature, and are an indispensable complementary publication to the Nomenclature that provides classification guidance and other pertinent information that facilitates the identification, description and scope of headings. Thus, it is suggested that the proposed amendments will be beneficial to the understanding of the HS Nomenclature.
8. During the 23rd Session of the Codex Alimentarius Commission, the Standard for Named Vegetable Oils was adopted. That Codex Standard recognizes the term "canola" as a synonym within the definition of rapeseed oil (low erucic acid). Therefore, this term now forms an integral part of the Standard for Named Vegetable Oils and is recognized internationally. In addition, there was also consensus to the effect that when more than one name is given to a product, the labelling of that product must include one of those names acceptable in the country of use. This initiative allows the term "canola" to be used as an alternative name in the labelling of low erucic acid rapeseed oil products.
9. With this in mind, the Canadian Administration is proposing that the term "canola" be inserted in the Explanatory Notes along with other amendments so as to assist in understanding the coverage of low erucic acid products. Therefore, the following three proposals are submitted for review and approval by the RSC.

PROPOSALS :

10. Proposal for the Explanatory Note to heading 12.05 :

Page 84. Heading 12.05.

Delete and substitute :

"This heading includes both the traditional rape or colza seeds and the low erucic acid rape or colza seeds (the seeds of several species of *Brassica*, particularly *B. napus*, *B. rapa* (or *B. campestris*), and *B. juncea*). The low erucic acid rape or colza seeds, also known as

canola seeds, yield a fixed oil which has an erucic acid content of less than 2 % by weight and yield a solid component which contains less than 30 micromoles of glucosinolates per gram.”

11. This proposal is consistent with standards established by the Codex Alimentarius Commission which recognizes that traditional rape seeds and low erucic acid rape seeds can be derived from *Brassica juncea* and which also recognizes that canola oil is a common and usual name for low erucic acid rape or colza oil.

12. With regard to the possible reference to “European rape oil of the type “00”” in the Explanatory Notes, we wish to indicate that it is an expression with which Canada is not familiar. To our knowledge, it is not referenced in any Codex Standards and, therefore, it is suggested that it may be an expression more commonly used locally rather than globally.

13. Proposal for the Explanatory Note to heading 15.14 :

Page 118. Heading 15.14. Item (A). RAPE OR COLZA OILS.

Delete and substitute:

“The seeds of several species of *Brassica*, particularly *B. napus*, *B. rapa* (or *B. campestris*), and *B. juncea*, yield semi-drying oils with similar characteristics. Such oils are classified commercially as rape oils, colza oils and canola oils.

Traditional rape oils or colza oils generally contain high levels of erucic acid. This heading also covers low erucic acid rape or colza oil, also known as canola oil, which is produced from low erucic acid oil bearing seeds (canola seeds) that yield a fixed oil which has an erucic acid content of less than 2 % by weight.

They are used for salad dressings, in the manufacture of margarine, etc. They are also used for making industrial products, e.g., as a lubricant additive. The refined oils and the low erucic acid oils are primarily utilized in edible food applications.”

14. The above proposal slightly modifies the existing 3 paragraphs under (A) so as to clarify the types of goods covered by the heading.

15. This proposal is consistent with standards established by the Codex Alimentarius Commission which recognizes that traditional rape seeds and low erucic acid rape seeds can be derived from *Brassica juncea* and which also recognizes that canola oil is the common and usual name for low erucic acid rape or colza oil.

16. Proposal for the Explanatory Note to heading 23.06 :

Page 185. Heading 23.06.

Insert a new Subheading Explanatory Note at the end of the existing Note, as follows :

“Subheading Explanatory Note.

Subheading 2306.41

The expression "low erucic acid rape or colza seeds", as defined in Subheading Note 1 to Chapter 12, is known in the international trade as canola seeds."

17. This proposal is made to acknowledge the fact that the expression "canola seeds" is recognized in the international trade, and in internationally accepted food standards such as the Codex Alimentarius, as being the common and usual name for the expression "low erucic acid rape or colza seeds".

Note

Insert the sign (+) after the text of the heading."

III. SECRETARIAT COMMENTS

18. The Secretariat has no specific comments to the Canadian proposal but would like to point out that Japan has also put forward a proposal concerning these Explanatory Notes.
19. When the Sub-Committee, at its 20th Session, examined the proposed Explanatory Note to heading 12.05, the Delegate of Japan proposed to insert the following reference after "acid" in the fourth line: "(including erucic acid which constitutes esters with triglycerols)". Since certain delegates were somewhat hesitant to accept this proposal without detailed information, the Sub-Committee invited Japan, before its next session to provide more information.
20. In response to the Sub-Committee's instruction, Japan has submitted more information concerning this proposal to the Secretariat. However, given the technical nature of the question, Japan wished to refer the matter first to the Scientific Sub-Committee for advice. This question has therefore been put on the Agenda for the Scientific Sub-Committee's 15th Session in January 2000 (see Doc. NS0011E1). Hence, the outcome of that Sub-Committee's discussions must be taken into account when examining the Canadian proposal.
21. With regard to the possible reference to "European rape oil of the type "00"", as pointed out by Canada in paragraph 12 above, this expression is not familiar. In the technical literature available to the Secretariat there is no reference to this type of rape oil. Interested administrations are therefore invited to provide more information concerning this type of oil.

III. CONCLUSION

22. At the time of the preparation of this document, the outcome of the Scientific Sub-Committee's deliberations concerning the Japanese proposal is not known. In addition, information concerning the "European rape oil of the type "00"" is not available. Bearing in mind the foregoing, the Sub-Committee is invited to examine the Canadian proposal.
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